IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR.

O R D E R

Smt. Sarti. Versus State of Rajasthan & ors.

S.B. Criminal Misc. Petition No. 24/2006
against the order dated 19-9-2005 passed
by the Additional Sessions Judge, Rajgarh,
district Churu, in Cri. Revision No.35/2004.

...

Date of Order: September 18, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Bhupendra Bhatnagar, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner-complainant has challenged the order dated 19-9-2005 passed by the Additional Sessions Judge, Rajgarh, district Churu (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 35/2004, whereby the revision petition filed by the petitioner against the order dated 6.8.2004 passed by the Additional Chief Judicial Magistrate, Rajgarh, district Churu (for short, "the trial Court" hereinafter), was dismissed.

I have heard learned counsel for the petitioner and

the Public Prosecutor for the State. Carefully gone through the orders passed by the trial Court as also the Revisional Court.

On an FIR filed by the petitioner-complainant, the police investigated the matter and filed negative final report. The petitioner-complainant filed protest petition and produced witnesses. The allegation against the non-petitioners No.2 to 5 is that they committed house trespass and caused injuries to the petitioner-complainant. Both the Courts below noticed that if four persons might have assaulted the complainant-petitioner then some injuries would have been caused to her but there was no injury on the person of the complainant-petitioner. The Courts below further observed that the instant complaint has been filed by the petitioner-complainant to pre-empt the case instituted against her husband Net Ram for the offence under Section 457 IPC, being Criminal Case No. 107/2004.

Thus, considering the complaint to counter the case instituted against Net Ram, the husband of the complainant-petitioner, both the courts below found that there is no ground to proceed against the non-petitioners No. 2 to 5 and consequently dismissed the complaint. In my view, both the Courts below were justified in not proceeding against the non-petitioners No.2 to 5. It cannot be said that the orders impugned would result in serious miscarriage of justice or abuse of the process of the Court.

Consequently, the criminal miscellaneous petition is dismissed.

(H.R. PANWAR), J.

mcs